

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

1.	MICHELLE VOLK)	
)	
	Plaintiff,)	
)	
v.)	
)	Case No. CIV-17-265-HE
1.	DAVID STANLEY CHEVROLET, INC.)	
)	Oklahoma County District Court
)	Case No. CJ-2017-643
	Defendant.)	
)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446(a), Defendant David Stanley Chevrolet (hereinafter “Defendant”) files this Notice of Removal and shows:

1. Defendant David Stanley has been served in the state court action styled *Michelle Volk v. David Stanley Chevrolet, Inc.*, CJ-2017-643. This action is pending in the District Court of Oklahoma County, Oklahoma. The Petition is attached as Exhibit 2.

2. This action arises out of the facts and circumstances surrounding Michelle Volk’s employment at the Defendant’s Chevrolet dealership from April 2015 to August 2015. Plaintiff’s employment with Defendant ended on August 1, 2015. All of Plaintiff’s claims arise from this time period and from Defendant’s alleged actions or omissions related to this occurrence.

3. Plaintiff originally filed her action on February 2, 2017. In that Petition, she alleges that Defendant’s employees engaged in behavior towards her which amounted to gender discrimination. As part of that behavior, she alleges that her supervisors unlawfully withheld pay from her checks, amounting to breach of contract and a violation of the Oklahoma Protection of Labor Act. She further alleges that the working environment at Defendant’s dealership became so hostile as to force her to quit her job, resulting in a constructive discharge. She pressed claims

based on Title VII of the Civil Rights Act (hereafter "Title VII claims"), the Oklahoma Protection of Labor Act (hereafter "OPLA claims") and state contract law.

4. Because this action arises in part under Title VII of the Civil Rights Act, this action is now a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331. It is one which may be removed to this Court pursuant to 28 U.S.C. § 1441(a), because the case is a civil action founded on claims or rights asserted under the Constitution and laws of the United States.

5. This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a), as all claims in this action arise out of the same transaction and occurrence: the conduct of Defendant's employees toward Plaintiff during her employment term.

6. Defendant received a copy of Plaintiff's Petition on February 17, 2017. That Summons is attached as Exhibit 3. Defendant has not yet filed an answer.

7. This Notice of Removal is timely filed within thirty (30) days after Defendant received "a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," pursuant to 28 U.S.C. § 1446(b)(1).

8. In accordance with 28 U.S.C. § 1446(a) and LCvR 81.2(a), copies of all process, pleadings and orders filed in the state court action and served upon the Defendant as of this date are attached as exhibits in chronological order pursuant to the District Court of Oklahoma County's docket sheet, which itself is attached as Exhibit 1.

9. Promptly after the filing of this Notice of Removal, Defendant shall give written notice of the removal to Plaintiff through her attorney of record and to the clerk of the state court as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant David Stanley Chevrolet requests that this action now pending against them in the District Court of Oklahoma County, Oklahoma, be removed to the United States District Court for the Western District of Oklahoma, as an action properly removable thereto and seek general relief.

Respectfully submitted,

s/ Jeffrey Hendrickson

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*Attorneys for Defendant,
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CERTIFICATE OF SERVICE

Now on this 9th day of March, 2017, a true and correct copy of the above and foregoing document has been served electronically on all counsel of record via the ECF filing system and United States Mail, with first class postage prepaid fully thereon.

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